

PLEASE RECORD AND RETURN TO:  
Susan J. Blackston, City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

DOC # 2006-042074

02/24/2006 09:38A Fee:NC

Page 1 of 5

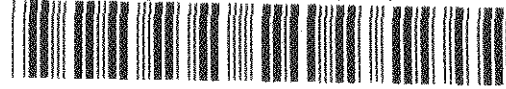
Recorded in Official Records

County of San Joaquin

GARY W. FREEMAN

Assessor-Recorder-County Clerk

Paid by SHOWN ON DOCUMENT



RESOLUTION NO. 2003-207

A RESOLUTION OF THE LODI CITY COUNCIL  
VACATING NEUHARTH DRIVE AND THE SOUTH 300 FEET  
OF ACKERMAN DRIVE, AND FURTHER AUTHORIZING THE  
CITY MANAGER TO EXECUTE AGREEMENTS REQUIRED TO  
IMPLEMENT THIS ABANDONMENT

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WHEREAS, this City Council, acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 15th day of October, 2003, pass and adopt Resolution of Intention No. 2003-194 therein declaring the intention of said City Council to vacate and abandon the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across said vacated public street rights of way and more particularly described as follows, to wit:

The 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, as shown on Exhibit A attached.

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form, and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, November 5, 2003, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the November 5, 2003, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, will be unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that the vacation of the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, shall be abandoned upon completion and acceptance by the City of the following requirements and conditions of approval:

1. Prepare public improvement plans for a new industrial cul de sac at the south end of Ackerman Drive and conversion of the Neuharth Drive street entrance to a private driveway, all per City standards.

2. Execute Public Improvement Agreement with the City, provide surety and insurance for the improvements, and pay all applicable fees prior to the start of construction of public improvements.

3. Execute maintenance and operations agreement with the City including provisions for:

- separation of private facilities from public utilities with the approval of the Public Works Director;
- fencing and operation of Ackerman Drive cul-de-sac access for backup/emergency use only; and
- location and operation of Stockton Street/Neuharth Drive private entrance to prevent queuing of vehicles onto Stockton Street.

4. Merge existing parcels into a single parcel, retain all necessary public utility easements, and provide new public utility easements as required by all public utilities.

5. That the City Council hereby authorizes the City Manager to execute agreements to implement this abandonment; and

6. Owner shall dedicate right of way and construct new cul de sac to establish required truck circulation on Ackerman Drive prior to the final recording of this Resolution approving the vacation/abandonment; and

7. The intersection of Neuharth Drive at Stockton Street will be converted to a driveway prior to the final recording of this Resolution approving the vacation/abandonment; and

8. Reserving, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across the entire right of way, and no buildings or structures shall be constructed nor shall anything be planted within the easement which would interfere with the use or operation of public utilities in the easement; and

9. The City Council approval of this Resolution will become null and void if all requirements and conditions of approval are not met.

10. Filing of this Resolution to Vacate in the office of the County Recorder will not take place until all requirements and conditions of approval are met.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: November 5, 2003

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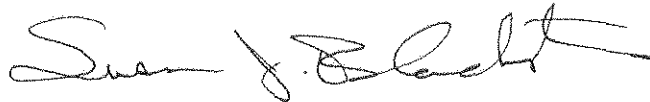
I hereby certify that Resolution No. 2003-207 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 5, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, and Land

NOES: COUNCIL MEMBERS – Mayor Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

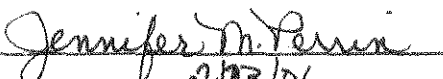


SUSAN J. BLACKSTON  
City Clerk

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.

Jennifer M. Perrin  
Deputy City Clerk, City of Lodi

By:

  
Dated: 2/23/06

MAXWELL INDUSTRIAL PARK

ACKERMAN DRIVE

N 00°05' E

30'

30'

NEUHARTH DRIVE

520.07' S 87°42' W

30' 30'

STOCKTON STREET

QUARTER SECTION LINE

N 00°05' E

40' 40'

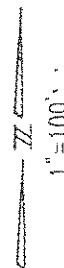


EXHIBIT A

PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.

CIVIL ENGINEERS  
323 WEST ELM STREET  
LODI, CALIFORNIA 95240



NEUHARTH DRIVE ABANDONMENT

S:\PROJECTS\2003\0356\dwg\0356NEUHARTH.dwg 8/28/2003 8:52:02 AM PDT

MAXWELL INDUSTRIAL PARK

1"=100'

S 89°55' E 60.00'

P.O.B.

N 00°05' E 658.08'

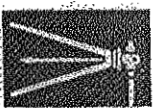
ACKERMAN DRIVE

DRIVE

S 87°42' W  
NEUHARTH

ACKERMAN DRIVE ABANDONMENT

S:\PROJECTS\2003\0356\dwg\0356ACKERMAN.dwg 8/28/2003 8:51:31 AM PDT



CIVIL ENGINEERS  
323 WEST ELM STREET  
LODI, CALIFORNIA 95240

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**BAUMBACH & PIAZZA, INC.**

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